

**BOARD OF APPEALS
for
MONTGOMERY COUNTY**

**Stella B. Werner Council Office Building
100 Maryland Avenue
Rockville, Maryland 20850
(240) 777-6600**

WORKSESSION MINUTES

Second Floor Davidson Memorial Hearing Room

Wednesday, September 19, 2007, 9:30 a.m.

ACTION ITEMS:

1. **Minutes**, September 5, 2007 Worksession.

Action: Approved, (CLH/WMH, 5-0).

2. **A-6192, Appeal of Brooke Venture** (Department of Permitting Service – Issuance of Sign Permit No. 436126). Letter to the Board from Norman Knopf, Esquire, withdrawing the administrative appeal.

Action: Dismissed the administrative appeal as withdrawn, (WMH/CGT, 5-0).

3. **CBA-1251-A, Petition United Church of Christ Home, Inc.** (housing for the elderly and the handicapped). Letters to the Board from Ernest Angell, President/CEO and Douglas Griffin requesting a transfer of the special exception.

Action: Granted the transfer of the special exception, (DLB/CGT, 5-0).

4. **CBA-1337, Petition of Bethesda County Club** (golf course/country club). Letter from Stuart Barr, Esquire, submitting the approved Natural Resource Inventory/Forest Stand Delineation plans as requested by the Board. (Large exhibits: NRI/FSD plans - 3 sheets).

Action: Re-opened the record to include Mr. Barr's letter with attachments, (CLH/DLB, 5-0).

5. **CBA-2033, Petition of Washington Adventist Nursing and Rehabilitation Center, Inc.** (nursing home). Letter to the Board from Stuart Barr, Esquire, requesting an administrative modification. (Large exhibits: floor and roof plans, elevations, site plan).

Action: (1) Granted the administrative modification; (2) the petitioner is required to submit the approved subdivision plan upon receipt from M-NCPPC, (WMH/DLB, 5-0).

6. **CBA-2626, Petition of Carl K. Panero** (private riding stable). Letter from the property owner notifying the Board that the special exception has been abandoned and requesting that it be revoked.

Action: Revoked the special exception as abandoned, (CGT/CLH, 5-0).

7. **CBA-2734, Petition of Emerson W. Head** (private riding stable). Memorandum from Heather Gottke, Inspector, Department of Permitting Services (DPS), notifying the Board that the special exception is a conforming use in the zone and requesting that it be revoked. Also included is a letter of confirmation from the property owner.

Action: Revoked the special exception for lack of jurisdiction due to a change in the zoning, (CLH/WMH, 5-0).

8. **S-488, Petition of Courts Royal North Limited Partnership and S-747, Petition of White Oak Racquetball Club** (private club). Letter from Roger Price, Controller, notifying the Board that the special exceptions have been abandoned and requesting that they be revoked.

Action: Revoked the special exceptions as abandoned, (CGT/DLB, 5-0).

9. **S-594, Petition of Police Association of Montgomery County, Maryland, Inc.** (private club). Letter from Betsy Davis, President, notifying the Board that the special exception has been abandoned and requesting that it be revoked.

Action: Revoked the special exception as abandoned, (WMH,CGT, 5-0).

10. **S-741, Petition of Hadley and House** (professional office). Letter from the property owner notifying the Board that the special exception has been abandoned and requesting that it be revoked.

Action: Revoked the special exception as abandoned, (DLB/CLH, 5-0).

11. **S-1073, Petition of Phyllis Smith-Larkins** (accessory apartment). Memorandum from Wright Jolly, Inspector, Department of Housing and Community Affairs (DHCA), requesting a continuation of the Show Cause Hearing.

Action: Schedule Show Cause Hearing, (DLB/CGT, 5-0).

12. **S-1548, Petition of Grace L. McCauley** (major home occupation). Letter from the property owner notifying the Board that the special exception has been abandoned and requesting that it be revoked.

Action: Revoked the special exception as abandoned, (CGT/CLH, 5-0).

13. **S-1674, Petition of Susan Silberberg** (accessory apartment). Letter from the petitioner requesting that the accessory apartment be reinstated.

Action: (1) Re-opened the record to include the petitioner's letter; (2) denied the request to reinstate the special exception, (CLH/DLB, 5-0).

14. **S-1795, Petition of Esther Bringas** (major home occupation). Letter from the petitioner notifying the Board that the special exception has been abandoned and requesting that it be revoked.

Action: Revoked the special exception as abandoned, (DLB/CGT, 5-0).

15. **S-2412, Petition of Kathleen J. O'Rourke and Matthew A. Shortridge** (accessory apartment). Email from Lilianna Riva-Clement notifying the Board that the special exception has been abandoned and requesting that it be revoked.

Action: Revoked the special exception as abandoned, (CGT/WMH, 5-0).

16. **S-2634, Petition of Shanta Ramson** (major home occupation). Letter from the petitioner notifying the Board of the compliance with Conditions 9(i) and 9(ii) of the Board's Opinion dated 5/4/06.

Action: (1) Re-opened the record to include the petitioner's letter; (2) special exception holder is required to comply with all conditions unless approved by the Board, (DLB/WMH, 5-0).

17. **S-2664, Petition of Davco Restaurants** (drive-in restaurants). Letter to the Board from Jody Kline, Esquire, requesting an administrative modification.

Action: Granted the administrative modification, (DLB/CGT, 5-0).

DECISION ITEMS:

18. **S-2702, Petition of Ravi C. and Surekha R. Krishanan** (accessory apartment). Hearing Examiner's Report and Recommendation.

Action: (1) Adopted the Hearing Examiner's Report and Recommendation, (2) granted the special exception with conditions, (DLB/CLH, 5-0).

19. **S-2703, Petition of Bijan Mashayekhi** (accessory apartment). Hearing Examiner's Report and Recommendation.

Action: (1) Adopted the Hearing Examiner's Report and Recommendation, (2) granted the special exception with conditions, (CGT/WMH, 5-0).

PENDING ITEMS:

20. **A-6114, Appeal of Newland Communities LLC and NNP II – Clarksburg LLC** (Department of Fire and Rescue Services – Notice of Violation dated September 20, 2005). Second Status Report from Todd Brown, Esquire. (1) Re-opened the record to include the Second Status Report from Todd Brown; (2) the Board will receive Status Reports on 1/15/07 and 4/1/07. [W/S 10/25/06]. (1) Re-opened the record to include the status report from Mr. Brown; (2) Mr. Brown to provide a status/progress report to BOA at its 5/2/07 Worksession. [W/S 2/28/07].
21. **A-6190, Appeal of Amanda Enterprises, LLC** (Department of Permitting Services – Notice of Violation dated November 13, 2006 and Use and Occupancy Certificate No. 250849). BOA to receive a status report from the appellant by 6/15/07. [Pre-hearing Conference held on 3/14/07].
22. **A-6193, Petition of Roy Glixon** (accessory structure/swimming pool). Letter to the Board from the petitioner requesting reconsideration. Deferred reconsideration request until the petitioner submits additional information. [W/S 9/5/07].
23. **CBA-470-A, Petition of Kensington Nursery School** (private educational institution). Item deferred for the site plan required in Condition No. 3 of the Hearing Examiner's Report and Recommendation. [W/S 5-31-06]. (1) Re-opened the record to include Mr. Smith's letter; (2) record will remain open until 5/15/07 to receive the required site plan; (3) administrative modification will be dismissed upon non-receipt of the required site plan after 5/17/07. [W/S 4/18/07].
24. **S-232, Petition of R. P. Patton & Sons, Inc.** (horticultural nursery and commercial greenhouse). Letter to the Board from Melvin Laney requesting an inspection of the special exception and a public hearing. (1) Re-opened the record to include the letter from Mr. Laney; (2) Board to request DPS to inspect the special exception and provide the Board with an inspection report. [W/S 4/18/07].
25. **S-390, Petition of Twin Farms Club, Inc.** (community swimming pool). Letter to the Board from Teresa A. McKenna, President, requesting an administrative modification. (Large exhibit: site and grading plan). (1) Item deferred for receipt of a site plan with the existing conditions; (2) item referred to M-NCPPC Technical Staff for review of administrative modification request. [W/S 2/18/04].
26. **S-671, Petition of Randolph Building Limited Partnership** (off-street parking). Letter to the Board from Ronald Bolt, Esquire, requesting an administrative modification. W/S 4/18/07 BOA (1) Granted the transfer of the special exception; (2) Board to be notified by the petitioner by 6/10/07 that all violations have been abated; (3) DPS to inspect to determine if a Show Cause Hearing will be required. Re-opened the record to include Mr. Bolt's letter. Item deferred for petitioner to submit a revised site plan with the revised parking configuration that includes a handicap ramp and plantings. [W/S 6/27/07].

PENDING ITEMS (continued):

27. **S-2328, Petition of Judith Himmelfarb** (accessory apartment). Letter to the Board from Ariel De notifying the Board that the special exception has been abandoned and requesting that it be revoked. Item deferred until confirmation that the accessory apartment's kitchen has been removed. [W/S 7/26/06].
28. **S-2685, Petition of Avalon Education Group, Inc.** (private educational institution). Hearing Examiner's Report and Recommendation. Item deferred for a revised site plan and additional information on the traffic associated with the sports teams. [W/S 7/11/07].

Board Members

Allison Ishihara Fultz, Chair
Donna L. Barron, Vice Chair
Wendell M. Holloway
Caryn L. Hines
Catherine G. Titus

Staff

Barbara Jay, Associate County Attorney
Katherine Freeman, Executive Director
Hermene Jones, Administrative Specialist